

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MICHAEL ENGLE,

Plaintiff,

Case No. 3:20-cv-297

vs.

SECRETARY OF THE AIR FORCE, *et al.*,

District Judge Michael J. Newman

Defendants.

ORDER AND ENTRY: (1) GRANTING PLAINTIFF’S MOTION FOR AN EXTENSION OF TIME TO COMPLETE SERVICE; AND (2) DENYING WITHOUT PREJUDICE PLAINTIFF’S MOTION TO PERMIT SERVICE OF PROCESS BY MEANS OF DELIVERY VIA A COMMERCIAL DELIVERY SERVICE

This civil case is before the Court on Plaintiff’s first motion to extend the time to complete service of process and to permit service by a commercial delivery service such as Federal Express (“FedEx”) or the United Parcel Service (“UPS”). Doc. 6. For good cause shown, the Court **GRANTS** Plaintiff’s request to extend the time period within which he must complete service of process and **ORDERS** that service be complete as required by Fed. R. Civ. P. 4(m) on or before **January 31, 2021**. Plaintiff is **NOTIFIED** that failure to complete service by that date may result in the dismissal of this action pursuant to Fed. R. Civ. P. 4(m).

Insofar as Plaintiff seeks the Court’s permission to complete service by use of a commercial delivery service, such request is **DENIED WITHOUT PREJUDICE** to refiling with citation to legal authority. Notably, Plaintiff here seeks to serve agencies of the United States¹ which,

¹ Although unclear in Plaintiff’s motion, it appears that, in attempting to complete service in this case, Plaintiff may be inappropriately relying on the requirements for serving individuals as set forth in Fed. R. Civ. P. 4(e), as opposed to the requirements for serving the United States, its agencies, and/or its employees as set forth in Fed. R. Civ. P. 4(i).

pursuant to Fed. R. Civ. P. 4(i)(2), requires service upon the United States and the subject agency “by registered or certified *mail*.” (Emphasis added). Plaintiff cites no authority upon which the Court can conclude that service by “mail” contemplates service via a commercial delivery service or whether Courts otherwise have discretion to permit service of process in such manner.

IT IS SO ORDERED.

Date: November 19, 2020

s/ Michael J. Newman
Michael J. Newman
United States District Judge